

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

RUBEN RAMIREZ,
TDCJ No. 1819361,
Plaintiff,

v.

FEAZEL, et al.,
Defendants.

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CIVIL ACTION No. 5:15-cv-00333

Joint Proposed Scheduling Order

In response to the Court's Order of December 7, 2015, the parties submit the following Joint Proposed Scheduling Order.

JOINT PROPOSED SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the following Scheduling Order is issued by the Court:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 was filed on August 7, 2015.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before **March 14, 2016**, and each opposing party shall respond, in writing, on or before **March 28, 2016**. All offers of settlement are to be private, not filed. The parties are ordered to retain the written offers of settlement and response as the Court will use these in assessing attorneys' fees and costs at the conclusion of the trial.
3. Each party has filed a "Notice Concerning Reference to United States Magistrate Judge" consenting to trial by Magistrate Judge.
4. The parties shall file all motions to amend or supplement pleadings or to join additional parties on or before **February 15, 2016**.

5. All parties asserting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by FED. R. CIV. P. 26(a)(2)(B) on or before **April 4, 2016**. Parties resisting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by FED. R. CIV. P. 26(a)(2)(B) on or before **May 2, 2016**. All parties shall file all designations of rebuttal experts and serve on all parties the material required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, within fifteen (15) days of receipt of the report of the opposing expert.
6. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within eleven (11) days from the receipt of the written report of the expert's proposed testimony, or within eleven (11) days from the completion of the expert's deposition, if a deposition is taken, whichever is later.
7. The parties shall complete all discovery on or before **May 30, 2016**. Counsel may by agreement continue discovery beyond the deadline, but the Court will not intervene, except in extraordinary circumstances, nor will it vacate any trial setting because of information obtained in post-deadline discovery.
8. All dispositive motions shall be filed on or before **June 13, 2016** and shall be limited to 20 pages. Responses shall be filed and served on all other parties not later than 14 days of the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 14 days of the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion.

The parties shall not complete the following paragraph 9. It will be completed by the Court at the initial pretrial conference to be scheduled by the Court

9. This case is set for final pretrial conference, in chambers, on the _____ day of _____, 20_____, at _____ and _____ trial in the month of _____. 20_____. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference

The deadlines set forth herein may only be extended by Order of this Court based upon good cause shown. The Court may impose sanctions under Rule 16(f), Fed. R. Civ. P., if the parties do not make timely submissions under this Order.

SIGNED this _____ day of _____, _____.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

CHARLES E. ROY
First Assistant Attorney General

JAMES E. DAVIS
Deputy Attorney General for Civil Litigation

KAREN D. MATLOCK
Assistant Attorney General
Chief, Law Enforcement Defense Division

/s/ Kimberly L. Kauffman

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**ATTORNEYS FOR DEFENDANTS FEAZEL,
HARRIS, RIVERA, AND MIZE**

CERTIFICATE OF CONFERENCE

I, **KIMBERLY L. KAUFFMAN**, Assistant Attorney General of Texas, certify that I conferred with Plaintiff's counsel by phone and by email and that all parties agree to the above proposed deadlines.

/s/ Kimberly L. Kauffman

KIMBERLY L. KAUFFMAN

Assistant Attorney General

NOTICE OF ELECTRONIC FILING

I, **KIMBERLY L. KAUFFMAN**, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing a correct copy of the foregoing **Joint Proposed Scheduling Order** in accordance with the Electronic Case Files system of the USDC - Western District of Texas, on January 13, 2016.

/s/ Kimberly L. Kauffman

KIMBERLY L. KAUFFMAN

Assistant Attorney General

CERTIFICATE OF SERVICE

I, **KIMBERLY L. KAUFFMAN**, Assistant Attorney General of Texas, certify that a true copy of the above **Joint Proposed Scheduling Order** has been served via the Court's Electronic Case Files system on January 13, 2016 addressed to:

Karson Karl Thompson
BECK REDDEN LLP
515 Congress Ave., Ste. 1900
Austin, Texas 78701
Phone: 512-900-3218
Attorney for Plaintiff

/s/ Kimberly L. Kauffman
KIMBERLY L. KAUFFMAN
Assistant Attorney General